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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
DESIR, JEAN WICEL	
ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/826,345	KARAOGUZ ET AL.	
	Examiner	Art Unit	
	Jean W. Désir	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/10/08 (Amendment)*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 24, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Rashkovskiy (US 7,281,220).

Claim 24:

Rashkovskiy discloses:

"a video selection field for displaying a list of selectable video entry rows, wherein each selectable video entry row includes a video thumbnail and associated text information identifying the video thumbnail", see Fig. 1;

"a header field for displaying a user identifier, wherein the user identifier is associated with user preference information that includes information related to a user's favorite channels", see Fig. 1 items 12, 14, 16, col. 2 lines 9-10;

"and an advertising field for displaying video advertisements; wherein the video advertisements are targeted to a current user of the channel selection canvas based on

user preference information associated with the current user, the user preference information including information related to the current user's favorite channels", see Fig. 1, col. 1 line 59 to col. 2 line 15, where the video thumbnails are considered as comprising video advertisements, as claimed, that are targeted to the current user of Rashkovskiy' s disclosure;

"wherein the current user is identified by a user identifier", see Fig. 1, where language and/or location, item 12 and/or 14 is considered as a user identifier as claimed.

Claim 25 is disclosed, see Fig. 1.

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive.

The Applicants argue on pages 9, 10 of the REMARKS that "Rashkovskiy does **not** disclose that the video thumbnails are in any way used for the display of advertisements. In fact the terms "advertisement" and "advertising" are never mentioned in Rashkovskiy". These arguments are not persuasive, the video thumbnails (Fig. 1) of Rashkovskiy's disclosure are considered as comprising video advertisements, as claimed; because Rashkovskiy provides information regarding the video thumbnails to allow the viewer to determine whether or not to use the material (see col. 2 lines 23-28) and the material may be played within the thumbnail frame.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-9, 11, 12, 15, 16, 18-23, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 6,456,334) in view of Rashkovskiy (US 7,281,220).

Claim 1:

Duhault discloses:

A channel selection canvas (see Figs. 1-4, the ABSTRACT, Fig. 11) for display on a video display device, comprising:

"a channel selection field for displaying a plurality of television channel video thumbnails", see col. 3 lines 25-28, 34-36, col. 2 lines 40-43;

"a plurality of optional video selection fields for ~~displaying~~ integrating the display of ancillary video thumbnails from multiple sources, wherein the television channel video thumbnails and the ancillary video thumbnails are from different sources", see col. 3 lines 25-28, 36-38, col. 2 lines 40-43, col. 2 line 63 to col. 3 line 9 (specifically col. 3 lines 4-9 where different multiple sources are disclosed as claimed);

"and a header field for displaying general information~~, wherein general information displays information~~ based on a current condition", see Figs. 1-4 where several header fields are disclosed;

the only difference between the claimed invention and Duhault's disclosure is that Duhault does not explicitly show the general information is displayed **based on a current condition**, as claimed in claim 1. However, in a similar field of endeavor, the reference to Rashkovskiy shows it is notoriously well know in the art to display information based on a current condition as claimed in claim 1 (as evidence see Rashkovskiy at Fig. 1, particularly items 12, 14, 16). Because of these teachings, an artisan would be motivated to combine the references to arrive at the claimed invention; this combination would advantageously provide an improved channel/video selection canvas. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 2 is disclosed, see Rashkovskiy at Fig. 1.

Claim 4 is disclosed, see Rashkovskiy at Fig. 1, where the video thumbnails are considered as comprising video advertisements, as claimed.

Claim 5 is disclosed, see Duhault at col. 4 lines 52-55.

Claim 6 is disclosed, see Duhault at col. 1 line 30.

Claim 7 is disclosed, see Duhault at col. 2 line 17.

Claims 8, 9 are disclosed, see Duhault at col. 2 lines 24-26.

Claim 11 is disclosed, see Duhault at col. 3 lines 10-40.

Claim 12 is disclosed, see Rashkovskiy at Fig.1, where language and/or location, item 12 and/or 14 is considered as a user identifier as claimed.

Claims 26-29 are disclosed, see Rashkovskiy at Figs. 4, 5, Duhault at Fig. 11.

Claim 30 is disclosed, see Rashkovskiy at Fig. 1, where the video thumbnails are considered as comprising video advertisements, as claimed, that are targeted to the current user

Claim 3:

The above combination does not explicitly teach that the channel selection canvas further comprises video phone field as claimed in claim 3. However, in the above combination, Duhault teaches that a **varying number of** video images can be provided, and **other types of** video images programming can be monitored (as evidence see Duhault at col. 6 lines 44-45, col. 4 lines 37-38); through these teachings, an artisan would have advantageously recognized that the above combination could be further modified to include varying fields for other types of video, such as video phones; and thus, providing a versatile channel selection canvas. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 15, 16 are also disclosed because Rashkovskiy teaches streaming news at Fig. 1.

Claim 18:

Duhault discloses:

A channel selection canvas generator (see Figs. 11, 1-4), comprising:

"a video selection engine for selecting video streams to be displayed on a channel selection canvas", see col. 3 lines 42-48, the ABSTRACT lines 1-13;

"a video integration engine for integrating the display of video streams selected by said video selection engine", see Fig. 11 items 1110, 1126, Figs. 1-4;

"a user formatting engine for providing instructions to obtain user formatting information", see col. 6 lines 25-62, col. 3 lines 42-48, col. 4 lines 24-25;

"a composite engine for receiving inputs from said video integration engine and user formatting engine to create a channel selection canvas", see Fig. 11 items 1110, 1126, Figs. 1-4;

"an interface engine for supporting interface to a video display device for displaying a channel selection canvas", see Fig. 11 items 1126, 1160, 1161;

"and an administrative engine for storing user preferences and controlling the overall operation of the channel selection canvas generator, wherein user preference information includes a user's favorite channels for a given time period", see Fig. 11 items 1110, 1112, 1114, 1126;

the only difference between the claimed invention and Duhault's disclosure is that Duhault does not explicitly teach that the user preference information includes user's favorite channels for a given time period as claimed in claim 18. However, in a similar field of endeavor, the reference to Rashkovskiy teaches user's favorite channels as claimed (as evidence see Rashkovskiy at col. 2 lines 4-15, Fig. 1, col. 3 lines 1-3). Because of these teachings, an artisan would be motivated to combine the references to arrive at the claimed invention; this combination would advantageously provide an improved channel/video selection canvas. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 19, 20 are disclosed, see Duhault at col. 2 lines 23-26, col. 8 lines 1-5.

Claim 21 is rejected for the same reasons as claim 18.

Claim 22 is rejected for the same reasons as claim 20.

Claim 23 is disclosed, see Duhault at col. 3 lines 6-9.

6. Claims 10, 13, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 6,456,334) in view of Rashkovskiy (US 7,281,220) and the Background of the instant application.

Claim 10:

The above combination does not explicitly teach that the field displays the channel number as claimed in claim 10. However, the structure of the claimed invention is a notoriously well known technique in the art (as evidence see Background of the instant application at paragraph [002], paragraph [003] lines 5-6), specifically in the field of video programming where many channels and sources are involved. An artisan, for purpose of identification, would be motivated to further modify the above combination and implement this existing technique in order to arrive at the claimed invention. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 13, 14, 17 are disclosed, see Background of the instant application at paragraph [005] line 6, paragraph [002] line 5.

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive.

The Applicants argue on pages 11-13 of the REMARKS that "Duhault does not integrate the display of video images from multiple sources, but merely allows video images from one source or another to be displayed on an individual basis". These arguments are not persuasive, Duhault clearly teaches integrate the display of video thumbnails from multiple sources (see Figs. 1-4) as claimed and as pointed out in the rejection; because Duhault teaches, for instance, that video thumbnail 141 can represent **one television channel** while video thumbnails 142-149 would represent **eight other television channels** (see col. 3 lines 4-9), that is to say, Duhault teaches **multiple sources** (multiple channels) and **different sources**, as claimed.

The Applicants' arguments on pages 14-16 of the REMARKS have been fully considered but they are not persuasive, because Fig. 1 of Rashkovskiy's disclosure clearly includes a user's favorite channels **for a given time period**, the Applicant is advised to review again Fig. 1 of Rashkovskiy and col. 2 line 3-22 (specifically col. 2 lines 18-22) where video thumbnails of Fig. 1 clearly include a user's favorite channels **for a given time period** (the quantitative information item 24 of Fig. 1 include **a given time period** as claimed).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
10-9-08

/David L. Ometz/
Supervisory Patent Examiner, Art Unit 2622